

1 AMENDMENT TO SENATE BILL 1329

2 AMENDMENT NO. _____. Amend Senate Bill 1329, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Counties Code is amended by adding
6 Section 4-11003 as follows:

7 (55 ILCS 5/4-11003 new)

8 Sec. 4-11003. Lengthy Trial Fund.

9 (a) The Supreme Court shall establish a Lengthy Trial
10 Fund that shall be used to provide full wage replacement or
11 wage supplementation to jurors who serve on petit juries in
12 civil litigation, for which a jury trial has been requested,
13 and criminal matters involving capital offenses and homicide
14 offenses, after the 10th day of jury service.

15 (1) The court rules shall provide for the
16 following:

17 (A) The selection and appointment of an
18 Administrator for the fund;

19 (B) Procedures for its administration that
20 provide that monies in the Fund shall be used to
21 make wage replacement or wage supplementation as
22 provided in this Section to jurors participating on

1 juries in trials where jury service extends 11 days
2 or longer and to recover all the costs of
3 administering the Fund, including payments of
4 salaries of the Administrator and other necessary
5 personnel;

6 (C) The accounting, auditing, and investment
7 of money in the Lengthy Trial Fund in accordance
8 with State law pertaining to similar funds; and

9 (D) The inclusion of a report by the Supreme
10 Court of Illinois on the administration of the
11 Lengthy Trial Fund in its annual report on the
12 judicial branch, setting forth the money collected
13 for and disbursed from the Fund.

14 (b) Notwithstanding any other compensation or fees
15 payable under the laws of this State, each trial court in the
16 State shall collect from each attorney who files a civil
17 case, or files a pleading in response to a complaint, unless
18 otherwise exempted under the provisions of this Section, a
19 fee of \$20 per case to be paid into the Lengthy Trial Fund. A
20 lawyer will be deemed to have "filed a case" at the time the
21 first pleading or other filing on which an individual
22 lawyer's name appears is submitted to the court for filing
23 and opens a new case. All such fees shall be forwarded to the
24 Administrator of the Lengthy Trial Fund for deposit.

25 (c) The Administrator shall use the fees deposited in
26 the Lengthy Trial Fund to pay supplemental or full wage
27 replacement to jurors whose employers pay less than full
28 regular wages when the period of jury service reaches the
29 11th day and thereafter.

30 (d) The court may pay replacement or supplemental wages
31 of up to \$300 per day per juror beginning on the 11th day of
32 jury service. In addition, for any jurors who qualify for
33 payment by virtue of having served on a jury for more than 10
34 days, the court may, upon finding that such service posed a

1 significant financial hardship to a juror, even in light of
2 payments made with respect to jury service after the 10th
3 day, award replacement or supplemental wages of up to \$100
4 per day from the 4th to the 10th day of jury service.

5 (1) The form shall disclose the juror's regular
6 wages, the amount the employer will pay during the term
7 of jury service starting on the 11th day and thereafter,
8 the amount of replacement or supplemental wages
9 requested, and any other information the Administrator
10 deems necessary for proper payment.

11 (2) The juror also shall be required to submit
12 verification from the employer as to the wage information
13 provided to the Administrator, for example, the
14 employee's most recent earnings statement or similar
15 document, prior to initiation of payment from the Fund.

16 (3) If an individual is self-employed or receives
17 compensation other than wages, the individual may provide
18 a sworn affidavit attesting to his or her approximate
19 gross weekly income, together with such other information
20 as the Administrator may require, in order to verify
21 weekly income.

22 (e) The following attorneys and causes of action are
23 exempt from payment of the Lengthy Trial Fund fee:

24 (1) Government attorneys entering appearances in
25 the course of their official duties;

26 (2) Pro se litigants;

27 (3) Cases in small claims court; or

28 (4) Claims seeking social security disability
29 determinations; individual veterans' compensation or
30 disability determinations; recoupment actions for
31 government backed educational loans or mortgages; child
32 custody and support cases; actions brought in forma
33 pauperis; and any other filings designated by rule that
34 involve minimal use of court resources and that

1 customarily are not afforded the opportunity for a trial
2 by jury.

3 Section 10. The Jury Act is amended by changing Sections
4 4.1, 5, 8, 10.2, and 15 and adding Section 10.3 as follows:

5 (705 ILCS 305/4.1) (from Ch. 78, par. 4.1)

6 Sec. 4.1. Jury duty; notice to employer; right to time
7 off.

8 (a) Any person who is not legally disqualified to serve
9 on juries, and has been duly summoned for jury duty for
10 either petit or grand jury service, shall not be required or
11 requested to use annual, vacation, or sick leave for time
12 spent responding to a summons for jury duty, time spent
13 participating in the jury selection process, or time spent
14 actually serving on a jury ~~be-given-time-off-from-employment~~
15 ~~to-serve-upon-the-jury~~ for which such employee is summoned,
16 regardless of the employment shift such employee is assigned
17 to at the time of service of such summons. An employee shall
18 give his employer reasonable notice of required jury service.
19 An employer may not deny an employee time off for jury duty
20 because such employee is then assigned to work a night shift
21 of employment, that is, an employer cannot require a night
22 shift worker to work while such employee is doing jury duty
23 in the daytime. Nothing in this subsection (a) shall be
24 construed to require an employer to provide annual, vacation,
25 or sick leave to employees under the provisions of this
26 Section who otherwise are not entitled to such benefits under
27 company policies.

28 (b) No employer shall discharge, threaten to discharge,
29 intimidate or coerce any employee by reason of the employee's
30 jury service, or the attendance or scheduled attendance in
31 connection with such service, in any court of this State.

32 (c) If an employee gives reasonable notice of required

1 jury service, any employer who violates the provisions of
2 this Section:

3 (1) may be charged with contempt of court. In such
4 an event, the State's Attorney shall file a petition for
5 civil contempt, criminal contempt, or both, against the
6 employer to be prosecuted by the State's Attorney; and

7 (2) shall be liable for damages for any loss of
8 wages or other benefits suffered by an employee by reason
9 of the violation; and

10 (3) may be enjoined from further violations of this
11 Section and ordered to reinstate any employee discharged
12 by reason of jury service.

13 As used in this Section, "reasonable notice of required
14 jury service" means that the employee summoned for jury duty
15 must deliver to the employer a copy of the summons within 10
16 days of the date of issuance of the summons to the employee.

17 (d) Any individual who is reinstated to a position of
18 employment in accordance with this Section shall be
19 considered as having been on furlough or leave of absence
20 during his period of jury service, shall be reinstated to his
21 position of employment without loss of seniority, and shall
22 be entitled to participate in insurance or other benefits
23 offered by the employer under established rules and practices
24 relating to employees on furlough or leave of absence in
25 effect with the employer at the time the individual entered
26 upon jury service.

27 (e) In any action or proceeding under this Section, the
28 court may award a prevailing employee who brings the action
29 by retained counsel a reasonable attorney's fee.

30 (f) Any right or remedy provided in this Section is in
31 addition to any right or remedy otherwise provided by law to
32 an employee.

33 (g) No employer shall be obligated to compensate an
34 employee for time taken off for jury duty.

1 (g-5) A court shall automatically postpone and
2 reschedule the service of a summoned juror employed by an
3 employer with 5 or fewer full-time employees, or the
4 equivalent, if another employee of that employer is summoned
5 to appear during the same period. The postponement will not
6 constitute the excused individual's right to one automatic
7 postponement pursuant to Section 10.3 of this Act.

8 (h) The official responsible for issuing the summons may
9 advise the juror of his rights under this Act by printed
10 insert with the summons or on the summons itself.

11 (Source: P.A. 86-1395; 87-616.)

12 (705 ILCS 305/5) (from Ch. 78, par. 5)

13 Sec. 5. Subsequent selection of jurors; length of
14 service.

15 (a) At the time of making such selection, the name of
16 the person selected shall be checked off from such list, and
17 shall not be again selected as a juror till every person
18 named upon such list qualified to serve as a juror has been
19 selected; and all subsequent selections of jurors by such
20 board shall be made from such list until all persons thereon
21 qualified to serve have been selected, or until a new list is
22 made: Provided, if any person who has been selected as a
23 juror shall not have been drawn, or have served upon a jury
24 during the year for which he was selected, he shall, if
25 qualified, be selected for the next year.

26 (b) In counties with populations greater than 100,000,
27 service of prospective petit jurors shall be for no more than
28 one court day in actual attendance, unless a prospective
29 petit juror is selected to serve on a jury or is under
30 consideration to serve on a jury and such consideration
31 covers a period of 2 or more days. Once selected, a petit
32 juror shall serve on the jury for the duration of the trial
33 unless excused by the presiding judge.

1 (Source: P.A. 86-1053.)

2 (705 ILCS 305/8) (from Ch. 78, par. 8)

3 Sec. 8. Selection from box.

4 (a) Upon a day designated by the judge of the court,
5 which shall be at least 20 days before the first day for
6 which any of the panel then to be drawn is summoned, the
7 clerk of such court shall repair to the office of the county
8 clerk, and in the presence of a judge and of such county
9 clerk, after the box containing the names has been well
10 shaken by the county clerk, and being blindfolded shall,
11 without partiality, draw from such box the names of a
12 sufficient number of such persons, then residents of the
13 county, not less than 30 for each 2 weeks that such court
14 will probably be in session for the trial of common law
15 cases, to constitute the petit jurors for the time being and
16 where there is an additional judge in such court, a like
17 number for each additional judge requiring a jury, unless the
18 court shall otherwise order: Provided, that the clerk shall
19 at any time, when directed by an order of the court draw in
20 the manner above provided, such number of persons then
21 residents of the county, as shall be required by the order to
22 act as petit jurors in such court for such time as may be
23 fixed in such order: And provided, that should the clerk draw
24 from the box the name of a person who is known to be dead, to
25 have been selected as a grand juror, a non-resident, absent
26 from the State, ~~unable-to-attend-in-consequence-of-illness,~~
27 or that he is legally disqualified to serve as a juror, the
28 clerk shall report the name of such person to the county
29 clerk, and the clerk of such court shall draw other names
30 until the required number have been selected: Provided, also
31 that whenever there is pending for trial in any of the
32 courts, any criminal cause wherein the defendant is charged
33 with a felony, and the judge holding such court is convinced

1 from the circumstances of the case that a jury cannot be
 2 obtained from the regular panel to try the cause, the judge
 3 may in his discretion, prior to the day fixed for the trial
 4 of the cause, direct the clerk to draw (in the same manner as
 5 the regular panel is drawn,) not exceeding 100 names as a
 6 special panel from which a jury may be selected to try the
 7 cause.

8 (b) Notwithstanding the provisions of subsection (a),
 9 names of jurors may be randomly drawn by computer.

10 (Source: P.A. 86-1053.)

11 (705 ILCS 305/10.2) (from Ch. 78, par. 10.2)

12 Sec. 10.2. Excusing prospective jurors; hardship.

13 (a) An individual may apply to be excused from jury
 14 service for a period of up to 24 months, instead of seeking a
 15 postponement, when either: The--county--boards---of---the
 16 respective---counties,---the--jury--commissioners--for--those
 17 counties-which-have-been-appointed-under-the-Jury--Commission
 18 Act,--or--a-jury-administrator-shall-submit-questionnaires-to
 19 prospective-jurors-to-inquire-as-to-their-qualifications--for
 20 jury--service--and-as-to-the-hardship-that-jury-service-would
 21 pose-to-the-prospective-jurors.-Upon-prior--approval--by--the
 22 chief-judge-of-the-judicial-circuits-in-which-a-county-board,
 23 jury--administrator,--or-jury-commissioners-are-situated,--the
 24 county-board,--jury-administrator,--or-jury-commissioners-shall
 25 excuse--a--prospective--juror--from--jury--service---if---the
 26 prospective--juror--shows--that--such-service-would-impose-an
 27 undue-hardship-on-account-of-the-nature--of--the--prospective
 28 juror's-occupation,--business-affairs,--physical-health,--family
 29 situation,--active--duty--in--the--Illinois-National-Guard-or
 30 Illinois-Naval-Militia,--or-other-personal-affairs,--and--cause
 31 his--or--her--name-to-be-returned-to-the-jury-list-or-general
 32 jury-list.

33 (1) The prospective juror has a mental or physical

1 condition that causes him or her to be incapable of
2 performing jury service. The juror, or the juror's
3 personal representative, must provide the court with
4 documentation from a physician licensed to practice
5 medicine in all its branches verifying that a mental or
6 physical condition renders the person unfit for jury
7 service for a period of not less than the 24 month period
8 for which the excuse is sought; or

9 (2) Jury service would otherwise cause undue or
10 extreme physical or financial hardship to the prospective
11 juror or a person under his or her care or supervision. A
12 judge of the court for which the individual was called to
13 jury service shall make determinations regarding undue or
14 extreme physical or financial hardship. The authority to
15 make these determinations is delegable only to court
16 officials or personnel who are authorized by the laws of
17 this State to function as members of the judiciary.

18 (b) A person asking to be excused from jury service
19 under this Section must take all actions necessary to have
20 obtained a ruling on that request by no later than the date
21 on which the individual is scheduled to appear for jury duty.

22 (c) For purposes of this Section, "undue or extreme
23 physical or financial hardship" is limited to circumstances
24 in which an individual would:

25 (1) Be required to abandon a person under his or
26 her personal care or supervision due to the impossibility
27 of obtaining an appropriate substitute caregiver during
28 the period of participation in the jury pool or on the
29 jury; or

30 (2) Incur costs that would have a substantial
31 adverse impact on the payment of the individual's
32 necessary daily living expenses or on those for whom he
33 or she provides the principal means of support; or

34 (3) Suffer physical hardship that would result in

1 illness or disease.

2 "Undue or extreme physical or financial hardship" does
3 not exist solely based on the fact that a prospective juror
4 will be required to be absent from his or her place of
5 employment.

6 A person asking a judge to grant an excuse based on
7 "undue or extreme physical or financial hardship" shall be
8 required to provide the judge with documentation, such as,
9 but not limited to, federal and State income tax returns,
10 medical statements from licensed physicians, proof of
11 dependency or guardianship, and similar documents, which the
12 judge finds to clearly support the request to be excused.
13 Failure to provide satisfactory documentation shall result in
14 a denial of the request to be excused.

15 (d) After 24 months, a person excused from jury service
16 shall become eligible once again for qualification as a juror
17 unless the person was excused from service permanently. A
18 person is excused from jury service permanently only when the
19 judge determines that the underlying grounds for being
20 excused are of a permanent nature.

21 (e) (b) When an undue hardship caused by a family
22 situation is due to the prospective juror being the primary
23 care giver of a person with a mental or physical disability,
24 a person with a medically diagnosed behavior problem, or a
25 child under age 12, then the county board, jury commissioners
26 or jury administrator shall excuse such a prospective juror,
27 if it finds that no reasonable alternative care is feasible
28 which would not impose an undue hardship on the prospective
29 juror or the person for whom the prospective juror is
30 providing care, or both.

31 (Source: P.A. 90-482, eff. 1-1-98; 91-264, eff. 7-23-99.)

32 (705 ILCS 305/10.3 new)

33 Sec. 10.3. Postponement of jury service.

1 (a) Notwithstanding Section 10.2 or any other provision
2 of this Act, individuals scheduled to appear for jury service
3 have the right to postpone the date of their initial
4 appearance for jury service one time only. When requested,
5 postponements shall be granted, provided that:

6 (1) The juror has not previously been granted a
7 postponement;

8 (2) The prospective juror appears in person or
9 contacts the clerk of the court by telephone, electronic
10 mail, or in writing to request a postponement; and

11 (3) Prior to the grant of a postponement with the
12 concurrence of the clerk of the court, the prospective
13 juror fixes a date certain on which he or she will appear
14 for jury service that is not more than 6 months after the
15 date on which the prospective juror originally was called
16 to serve and on which date the court will be in session.

17 (b) A subsequent request to postpone jury service may be
18 approved by a judicial officer only in the event of an
19 extreme emergency, such as a death in the family, sudden
20 illness, a natural disaster or a national emergency in which
21 the prospective juror is personally involved, that could not
22 have been anticipated at the time the initial postponement
23 was granted. Prior to the grant of a second postponement, the
24 prospective juror must fix a date certain on which the
25 individual will appear for jury service within 6 months of
26 the postponement on a date when the court will be in session.

27 (705 ILCS 305/15) (from Ch. 78, par. 15)

28 Sec. 15. Failure to attend; misdemeanor. Every person
29 who shall fail to attend when lawfully summoned to appear as
30 a grand or petit juror, without having properly obtained
31 postponement or excuse pursuant to Sections 10.2 and 10.3 a
32 reasonable-excuse, shall-be-considered--as is guilty of a
33 Class C misdemeanor and subject to imprisonment or fine of up

1 to \$500 in accordance with the laws of this State contempt,
2 and shall be fined by the courts, respectively, in any sum
3 not less than \$5 nor more than \$100, for the use of the
4 proper county, unless good cause be shown for such default;
5 and it shall be the duty of the court to enter an order of
6 attachment, returnable forthwith, against all such
7 delinquents, and upon the return thereof the court shall
8 proceed to assess the fine unless the person or persons so
9 attached shall show good cause for such delinquency;
10 Provided, that the oath or affirmation of any such delinquent
11 shall, at all times, be received as competent evidence.

12 (Source: P.A. 83-346.)

13 Section 95. Severability. The provisions of this Act are
14 severable. If any portion of this Act is declared
15 unconstitutional or the application of any part of this Act
16 to any person or circumstance is held invalid, the remaining
17 portions of the Act and their applicability to any person or
18 circumstance shall remain valid and enforceable.

19 Section 99. This Act takes effect July 1, 2003."